

7-8-04

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JUL 06 2004

## AMENDMENT TRANSMITTAL LETTER

Docket No.  
RGV-003Application No.  
09/712821-Conf. #9149Filing Date  
November 13, 2000Examiner  
Padmashri PonnaluriArt Unit  
1639

Applicant(s): Todd M. KINSELLA

Invention: METHODS AND COMPOSITIONS FOR SCREENING USING DIPHTHERIA TOXIN CONSTRUCTS

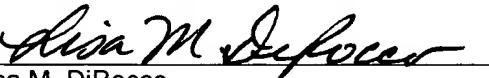
## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	52	- 52 =		x	0.00
Independent Claims	8	- 5 =	3	x 86.00	258.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					258.00

 Large Entity Small Entity No additional fee is required for this amendment. Please charge Deposit Account No. 12-0080 in the amount of \$ 258.00. A duplicate copy of this sheet is enclosed. A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge and credit Deposit Account No. 12-0080 as described below. A duplicate copy of this sheet is enclosed. Credit any overpayment. Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.  
Lisa M. DiRocco

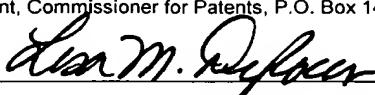
Dated: July 6, 2004

Attorney Reg. No.: 51,619

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400

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Dated: July 6, 2004

Signature:  (Lisa M. DiRocco)



PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 258.00)

Complete if Known	
Application Number	09/712821-Conf. #9149
Filing Date	November 13, 2000
First Named Inventor	Todd M. KINSELLA
Examiner Name	Padmashri Ponnaluri
Art Unit	1639
Attorney Docket No.	RGV-003

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)																																																																																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number      12-0080 Deposit Account Name      Lahive & Cockfield, LLP					<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="3"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																								

SUBMITTED BY					(Complete if applicable)
Name (Print/Type)	Lisa M. DiRocco		Registration No. (Attorney/Agent)	51,619	Telephone (617) 227-7400
Signature			Date	July 6, 2004	

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Dated: July 6, 2004

Signature: (Lisa M. DiRocco)



Docket No.: RGV-003  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Todd M. Kinsella

Application No.: 09/712,821

Group Art Unit: 1639

Filed: November 13, 2000

Examiner: Ponnaluri, Padmashri

For: Methods and Compositions for Screening Using  
Diphtheria Toxin Constructs

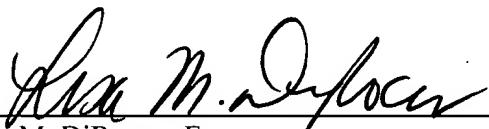
MS Amendment  
Commissioner for Patents  
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**CERTIFICATION UNDER 37 CFR 1.10**

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July 6, 2004  
Date of Signature and of Mail Deposit

By:

  
Lisa M. DiRocco, Esq.  
Registration No. 51,619  
Attorney for Applicants

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Dear Sir:

This is in response to the Office Action dated April 6, 2004.

07/12/2004 WABRHAM1 00000113 120080 09712821

01 FC:1201 258.00 DA

**Amendments to the Specification begin at page 3 of this paper**

**Amendments to the Claims begin at page 4 of this paper**

**Remarks begin at page 10 of this paper**